

REMARKS

In this an application for reissue of U.S. Patent No. 5,971,751. The claims of the original patent are currently amended within the spirit of 35 U.S.C. § 251. New dependent
5 claims are also added.

REJECTION UNDER 35 U.S.C. § 251

In the final office action, the examiner stated that the Office would not reissue claims where no defect has been corrected.

10 Within the spirit of 35 U.S.C. § 251, the applicant sought reissue to (1) correct the error of claiming less than he was allowed to claim and (2) better describe the invention as disclosed. As explained below, the amendments more broadly claim the "pressure-absorbing device" which applicant
15 considers his invention. Newly added dependent claims better describe the invention.

As amended, claims state that the pressure-absorbing device is comprised of a "deformable resistance piece" and an "elastic element". Throughout the description, member 311 is
20 referred to broadly as "deformable resistance piece." Only once the description states, "According to the preferred embodiment of the present invention, [...] deformable resistance piece 311, which is made of a cylindrical rubber post." (Col. 4, lines 12-17). Similarly, throughout the description,

member 312 is referred to broadly as "elastic element." Only once the description states, "In accordance with the preferred embodiment of the present invention [...] the elastic element 312 is a soft elastic spring." (Col. 3, lines 55-60).

5 The Federal Circuit teaches, "It is a familiar axiom of patent law, however, that the scope of the claims is not limited to the preferred embodiments described in the specification." *Fuji Photo Film Co., Ltd. v. International Trade Com'n.*, 386 F.3d 1095, 1106 (Fed. Cir. 2004), *Cordis*
10 *Corp. v. Medtronic Ave, Inc.*, 339 F.3d 1352, 1365 (Fed. Cir. 2003).

 In accordance with this teaching, the applicant should not be limited to the "cylindrical rubber post", but to any deformable resistance piece readily available to a person of
15 ordinary skill, that would meet the limitations of the claim. Similarly, the applicant should not be limited to the "soft elastic spring", but to any elastic element readily available to a person of ordinary skill, that would meet the limitations of the claim. The claims are broadened accordingly.

20 New dependent claims 9 and 10 are added to describe "cylindrical rubber post", as one type of a deformable resistance piece, and "soft elastic spring" as one type of an elastic element.

As amended, claims are fully enabled by the specification

Notably, the broader terms "deformable resistance piece capable of reacting with first elastic force" and "elastic element capable of reacting with second elastic force" are in full compliance with 35 U.S.C. §112. The function of each of these elements is described with such specificity that one skilled in the art can immediately understand what is meant by each element and make a lighter with such elements.

Specifically, the text in column 4, lines 50-65, describes how the deformable resistance piece and the elastic element act when pressure is applied: first, the elastic element compresses (i.e. exhibits a smaller elastic force), only then the deformable resistance piece deforms (i.e. exhibits a greater elastic force). Based on this description, any combination of a deformable resistance piece and an elastic element capable of such operation can be claimed by the present inventor.

DECLARATION OF THE INVENTOR

Examiner's objections are acknowledged. Examiner's voice message of August 1, 2007 is greatly appreciated. In accordance with examiner's instructions, a new declaration will be prepared and submitted as soon as the proper individual's signature is obtained.

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CONCLUSION

The Examiner is respectfully requested to consider the amended claims in compliance with 35 U.S.C. § 251 as well as neither anticipated nor rendered obvious by any prior art.

5 If the Examiner believes that a telephone conference would be helpful, Applicant invites the Examiner to contact Applicant's representative at (310) 777-8399.

10 Respectfully submitted,

TROJAN LAW OFFICES
By

15 August 3, 2007

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